

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

126

**CR-498 of 2020 (O&M)  
Date of decision: 13.09.2022**

**Pardeep Kumar and others**

**..Petitioners**

**Versus**

**Partap Singh and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Sandeep Sharma, Advocate  
for the petitioners.

Mr. Amandeep Rana, Advocate  
for respondent no.1 to 8.

Mr. Harsh Vardhan, AAG, Haryana  
Mr. Jaspal S. Pannu, AAG, Haryana  
for respondent no.9 to 12.

**ANIL KSHETARPAL, J(Oral)**

An application filed by the defendant under Order VII Rule 11 CPC to reject the plaint has been dismissed by the trial court and the present revision petition has been filed challenging its correctness.

The defendant claims that the suit is barred as per the doctrine of resjudicata. The trial court has held that such objection is required to be proved by leading evidence and from the reading of the plaint it is not possible to conclude that the suit is barred by the doctrine of resjudicata.

Basically, Section 11 of the Code of Civil Procedure, 1908 bars the maintainability of the subsequent suit, if the same matter has been directly and substantially in issue in a previous suit between the same parties or their predecessor-in-interest, which has been heard and finally decided by a Court of competent jurisdiction. These facts are required to be proved by leading evidence.

Further, this matter has been elaborately discussed by the Supreme court in the recent case of Sri Hari Haanumandas Totala vs. Hemant Vithal Kamat, (Civil Appeal No.4665 of 2021, decided on 09.08.2021).

Hence no ground to interfere is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 13, 2022

(ANIL KSHETARPAL)  
JUDGE

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|----------------------------------|---|---------------|
| <i>Whether speaking/reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>        | : | <i>Yes/No</i> |